

EXHIBIT D

Exhibit 2

Unofficial Copy Office of Marilyn Burges District Clerk



HARRIS COUNTY SHERIFF'S OFFICE

DISCIPLINARY MATRIX

Purpose

This procedure outlines the guidelines and expectations for the Harris County Sheriff's Office Administrative Disciplinary Committee's response to sustained complaints against employees. A discipline matrix aims to achieve consistency in discipline and eliminate the appearance of disparity. This matrix does not remove discretion; it provides a range of possible sanctions, thus providing transparency.

Procedure

This matrix lists the most common Department Policy violations. It then provides sanction categories A through E. The least punitive sanctions are category A, with the sanctions becoming more significant as the categories progress to category E.

Each category lists recommended guidelines for sanctions. These guidelines are based on comparable sanctions for each violation. There are violations that are not covered in this matrix. There is expectation that employees will follow all policies. For violations not specified within this matrix, the Administrative Disciplinary Committee (ADC) will determine the sanctions.

After an allegation has been sustained, the ADC will perform the following steps:

1. Select a presumptive penalty consistent with the category,
2. Consider mitigating and aggravating factors, and
3. Agree or vote on the final discipline.

Category A	Category B	Category C	Category D	Category E
<p>Conduct violation in a single incident that has a minimal negative impact on the operations or reputation of the HCSO. Sanctions in this category are not considered discipline.</p> <p>Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Verbal Counseling • Documented Counseling • Employee Referral <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate.</p> <p>Training and Probation can be ordered in conjunction with any sanction listed.</p>	<p>Violations that have more than minimal impact on the operations or reputation of the HCSO or that negatively impact relationships with other employees, agencies, or the public.</p> <p>Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Verbal Counseling • Documented Counseling • Employee Referral • Letter of Reprimand • Suspension for 8 to 24 hours <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate.</p> <p>Training and Probation may be ordered in conjunction with any sanction listed.</p>	<p>Violations that have a pronounced negative impact on the operations or reputation of the HCSO or on relationships with other employees, agencies, or the public.</p> <p>Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Letter of Reprimand • Suspension for 24 to 40 hours <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate.</p> <p>Training and Probation may be ordered in conjunction with any sanction listed.</p>	<p>Violations that are contrary to the core values of the HCSO or that involve a substantial risk of officer or public safety.</p> <p>Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Suspension for 40 to 120 hours • Reduction in rank • Termination <p>Training and Probation may be ordered in conjunction with any sanction listed.</p>	<p>Violations that are contrary to the core values of the of the HCSO. This includes acts of serious misconduct or of criminal conduct. This also involves any conduct that will effectively disqualify an employee from continued employment.</p> <p>Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Suspension for minimum of 120 to 160 hours • Reduction in rank • Termination <p>Training and Probation may be ordered in conjunction with any sanction listed.</p>

ADMINISTRATIVE DISCIPLINARY COMMITTEE - DISCIPLINARY MATRIX

The matrix categories may not be sequentially followed in cases where there may be multiple violations or in cases where there are particularly egregious circumstances. The matrix is considered a guideline only and it is within the Sheriff's discretion to deviate from the matrix based on the individual case.

Department Manual categories skipped have not had recent previous discipline associated.		Category				
		A	B	C	D	E
202	Discrimination in the Workplace					
	A. Retaliation			X	X	X
	B. Discrimination				X	X
	C. Harassment				X	X
203	Sexual Harassment and Misconduct					
	III. Sexual Harassment					X
	IV. Sexual Misconduct					X
	V. Reporting Requirements				X	X
204	Drug and Alcohol Policy					
	III. C. Possession, distribution, or sale of alcohol or illegal drugs while on duty					X
	III. C. Possession, distribution, or sale of alcohol or illegal drugs while on county property					X
	III. C. Possession, distribution, or sale of alcohol or illegal drugs while operating or riding in a county vehicle					X
	XII. Refusal to submit to drug or alcohol test					X
	XII. Failed drug or alcohol test					X
208	Sick Leave					
	II. E. Abuse of sick time		X	X	X	X
	Feigning sickness		X	X		
231	Internal Investigations					
	III F. Failure to Cooperate					X
240	Dress Code	X	X			
241	County Property					
	IV. A. Shall not alter or repair, remove parts or accessories from county property	X	X	X		
	IV. B. Willful or negligent abuse or destruction to county property	X	X	X		
303	Conduct Prohibited					
	A. 1. Acceptance of Bribes					X
	A. 2. Criticism of Official Acts	X	X	X	X	X
	A. 3. Disorderly Conduct		X	X	X	X
	A. 4. Emergency Equipment on POV	X	X	X		
	A. 5. Fraternization and Socialization Prohibited	X	X	X	X	X
	A. 6. General Behavior	X	X	X	X	X
	A. 7. Indebtedness				X	X
	A. 8. Representation of Supervisors	X	X			
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ADMINISTRATIVE DISCIPLINARY COMMITTEE - DISCIPLINARY MATRIX

Department Manual categories skipped have not had recent previous discipline associated.		Category				
		A	B	C	D	E
	A. 9. Solicitation of Free Admissions, Favored Treatment, Services, or Merchandise	X	X			
	A. 10. Threatening, Abusive, Vulgar, or Insulting Language		X	X	X	X
	A. 11. Inaccurate Communications	X	X	X	X	X
	A. 12. Intentionally Making a False Statement			X	X	X
	A. 13. Intentionally Making a False Official Statement					X
	A. 14. Incurring Indebtedness Against the Sheriff or Harris County			X	X	X
	A. 15. Interference with Criminal Justice System				X	X
	A. 16. Recommendation of Lawyers or Bail Bondsman					X
	A. 17. Removal of Records			X	X	X
	A. 18. Sleeping on Duty	X	X			
	A. 19. Solicitation or Acceptance of Rewards, Loans, or Gifts		X	X	X	X
	A. 20. Soliciting Influence			X		
	A. 21. Use of Official Correspondence	X	X			
	A. 22. Use of Official HCSO Emblems or Logo	X	X			
	A. 23. Tampering with Evidence			X	X	X
	A. 24. Conflict of Interest - Multiple Commissions		X			
	A. 25. Release of Confidential Information	X	X	X	X	X
	A. 26. Violation of Laws				X	X
	A. 27. Driving While Intoxicated					X
	A. 28. Phone Usage	X	X			
303	Additional Acts of Improper Conduct					
	B. 1. Incompetence		X	X	X	X
	B. 2. Inefficiency	X	X			
	B. 3. Insubordination		X	X	X	X
	B. 4. Intoxication while on duty					X
	B. 5. Neglect of duty		X	X	X	X
	B. 6. Negligent or willful misuse, loss, or damage of supplies, equipment, or public property	X	X			
	B. 7. Fraud in securing appointment			X	X	X
	B. 8. Dishonesty			X	X	X
	B. 9. Drug use or addiction to illegal drugs or substances					X
	B. 10. Conviction of a misdemeanor or felony					X
	B. 11. Verbal abuse of a detainee		X	X	X	X
	B. 12. Physical abuse of a detainee					X
	B. 13. Failure to meet requirements for licensure by TCOLE				X	X
	B. 14. Failure to achieve and maintain weapons proficiency		X	X	X	
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ADMINISTRATIVE DISCIPLINARY COMMITTEE - DISCIPLINARY MATRIX

Department Manual categories skipped have not had recent previous discipline associated.		Category				
		A	B	C	D	E
	B. 15. Willful violation of any of the rules set forth by the Department Manual or any applicable directive of a bureau or division		X	X	X	X
304	Obedience to Orders					
	III. A. Violation, or willful disregard, of any lawful regulation or order made and given by a supervisor or other acting authority		X	X	X	X
305	Performance of Duty					
	III. A. Attention to Duty	X	X			
	B. Cowardice		X	X	X	X
	C. Discharge of Duties		X	X		X
	D. Efficiency	X	X			
	E. Failure to Perform Duty		X	X	X	X
	F. Harmony and Cooperation		X	X		
	G. Specific Duties		X			
306	Attendance					
	III. A. Absenteeism & Tardiness	X	X			
	B. Hours of Duty	X	X			
	C. Punctuality	X	X			
	D. Absence without proper leave		X	X	X	
	E. Excessive Absenteeism	X	X	X	X	X
307	Supervisor Responsibility		X	X	X	
308	Duty to Safeguard Persons and Property					
	A. Employee who has custody shall be responsible for the proper safeguarding of the person and property		X	X		
	B. Shall not use offensive, demeaning, or uncomplimentary terms of speech, threatening, or vulgar language when speaking or referring to a prisoner or inmate		X	X	X	X
309	Electronic Media Usage	X	X			
311	Political Activities	X	X			
312	Testimony					
	B. Handling Subpoenas and Notification	X	X			
	C. Attire	X	X			
	D. Court Attendance	X	X	X		
	F. Compliance with Subpoenas	X	X	X		
317	Social Media	X	X	X	X	
501	Use of Force					
	Section V. Use of Force					
	A. Unreasonable Force			X	X	X
	B. Directed Force			X	X	X
	F. Automobiles			X	X	X
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		A	B	C	D	E
	Section VII. Duties and Responsibilities					
	A. Duty to Intervene			X	X	X
	B. Duty to Render Aid		X	X	X	X
	C. Reporting Use of Force		X	X	X	X
	D. Reporting Observed Use of Force		X	X	X	X
	E. 1. Supervisor Reporting		X	X	X	X
502	Less-Lethal Impact and Restraining Devices		X	X		
503	Use of Conducted Electrical Device (CED)					
	IV. B. Training - Failure to recertify	X	X			
	VIII. Restricted Use of TASER (CED)		X	X		
	X. Supervisor Responsibilities		X	X	X	
	XI. Improper Care of CED	X	X			
504	Use of Chemical Weapons					
	II. A. 2. Failure to complete training	X	X			
	III D. Use affecting innocent bystanders		X	X		
	III E. Restrictions		X	X		
	III. F. Requirements After Deployment		X	X		
505	Use and Discharge of Firearms					
	III. A. Line of Duty			X	X	X
	III. B. Endangering Public/Reckless Discharge			X	X	X
	III. C. Moving Vehicles			X	X	X
	III. E. Supervisor Responsibilities		X	X	X	
	IV. Warning Shots					X
	V. Display of Firearm		X			
	VI. Reporting Discharge of Firearm		X	X		
506	Arrest Procedures		X	X		
507	Search Procedures		X	X	X	X
508	Bias-Based Profiling			X	X	X
601	Reports					
	XI. Failure to complete report		X	X	X	X
	XI. Fail to complete report in a timely manner		X	X	X	X
	II. Fail to obtain supervisor approval to complete late report		X	X	X	X
	VIII. Supervisor failure to review and approve reports in a timely manner		X	X	X	X
618	Body-Worn Camera					
	IV. A. 2. BWC Responsibilities		X	X	X	X
	IV. A. 3. Removal, dismantle, or tampered with hardware or software of BWC		X	X	X	X
	IV. A. 4. Edit, alter, erase, copy, duplicate, distributed recordings			X	X	X
	IV. A. 6. Copied or photographed images from BWC			X	X	
	IV. A. 7. BWC video converted for personal use		X	X	X	
	IV. C. Supervisor Responsibilities		X	X	X	
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		A	B	C	D	E
	V. B. Deactivation of BWC		X	X	X	
	VI. Improper use of BWC		X	X		
801	Operation of County Vehicles		X	X	X	
803	Pursuits			X	X	X
CJC-220	Inmate Observation					
	III. B. Missed or late observation round	X	X	X	X	
	III. B. Missed or late observation round resulting in injury, death, or other consequence of neglect				X	X
	III. C. (11) Intentionally falsifying observation round					X

Sanction Options by ADC

These levels are not considered formal discipline:

1. Training,
2. Verbal counseling,
3. Employee referrals,
4. Letters of reprimand, and
5. Documented counseling.

The levels below are considered formal discipline and are placed in the employee's personnel file:

1. Suspension,
2. Termination, and
3. Reduction in rank.

Extra Employment Suspension

In addition to the above sanction options, violations which are directly or indirectly related to extra employment may result in suspension of such privileges. These cases include:

1. Working extra employment listed as unapproved,
2. Working extra employment after it has been denied by a supervisor,
3. If an allegation relating to unprofessional behavior is sustained against an employee for an incident which occurred during extra employment,
4. Repeatedly sleeping on duty, and
5. Abuse of sick time or excessive absenteeism.

NOTE: Extra employment may also be suspended for any reason described in *Policy #244 – Extra Employment*.

Multiple Violations

In cases where there are multiple policy violations within a single investigation, each with a different sanction, the ADC should only pick the discipline range from the highest category.

Mitigating and Aggravating Factors

Mitigating factors include, but are not limited to;

- Tenure,
- Necessity,
- Unintentional,
- Mistake of facts,
- Ordered by supervisor,
- Employee new to the assignment,
- Efforts were made to correct the problem,
- Acts would not have come to light without self-report, and
- "Substitution Test" - Could this have happened to anyone else in the same situation?

Aggravating factors include, but are not limited to;

- Disciplinary history over the past five years,
- Delayed report or attempt to cover-up,
- High degree of operational impact,
- Uncooperative with investigation,
- Constitutional implications,
- High value or dollar loss,
- Personal motive,
- Intentional act,
- Repeated act,
- Conspiracy, and
- Deception.

Probationary Employees

This matrix may not apply to new employees whose employment status is subject to their original probation period.